

# Contingency Contracting Training

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**Domestic and  
Overseas  
Disaster  
Response**

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***Agile Contracting Support...Anytime...***

Current a/o 15 Dec

***Anywhere***



# Overview

- Key Points
- Domestic Emergencies
- Humanitarian Assistance
- Emergency Acquisition Authorities
- Avoid Common Pitfalls
- Advanced Planning
- On-Scene Operations





# Key Points

- Federal Emergency Management Agency (FEMA) is the lead federal agency responsible for coordinating contracting support for domestic emergency operations.
- Department of Defense (DoD) does not augment FEMA or other federal agencies with contracting staff, but can support specific contracting related tasks as directed by the President or Secretary of Defense.
- Military forces operating in domestic support operations should keep contracted support to the deployed force to a minimum to avoid competing with other support efforts for limited local resources.
- Many domestic support operations are handled at the state level. In these cases, Army and Air National Guard units provide military support under state active duty or 32 United States Code (USC) control.
- Acquisition and emergency acquisition flexibilities are identified in *Federal Acquisition Regulation (FAR) Part 18* and *Defense Federal Acquisition Regulation Supplement (DFARS) Part 218*.
- Contracting Officers are fully authorized to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority.





# Domestic Emergencies

- Federal Emergency Management Agency (FEMA) normally will be the lead federal agency ... USNORTHCOM will usually provide military support to assist FEMA as directed by DoD
- Military forces offer limited contracting support to avoid competing with state and federal agencies for limited local commercial resources
- Title 32 National Guard Operations
- Army and Air Force National Guard units provide military support under state active duty or Title 32
  - Units usually receive contracting support from home station
  - Some cases, Joint National Guard Bureau dispatches a "Contracting Tiger Team"





# Humanitarian Assistance

- The focus is on Foreign disaster relief (FDR) and emergency response (ER).
  - Initial Response – Treated as a contingency operation
  - Mature Situation - Additional guidance issued regarding acquisition flexibility
- FDR/ER participation occurs when:
  - Directed by the President
  - Secretary of State concurs
  - Coordinated with Department of State (DoS) and other relevant agencies
    - May also assist upon receipt of an official request from DoS
- Be aware of other contracting support in the area.







# Emergency Acquisition Authorities

- FAR Part 18, Emergency Acquisitions, identifies available general acquisition flexibilities
- COs are encouraged to be innovative while using sound business judgment that is consistent with law and within the limits of their authority
- The following flexibilities are available during any type of declared emergency situation:
  - Relief from registration in CCR
  - Relief from use of EFT





# Emergency Acquisition Authorities

- Below are some flexibilities available when incident of national significance, emergency declaration, or major disaster declaration are declared:
  - Limited use of full and open competition
  - Local area preferences
  - Temporary waiver of Cargo Preference Act requirements  
(Normal circumstances, this act requires preference for US flag vessel transportation)





# Avoid Potential Pitfalls

- Contractor Sourcing
  - Avoid overloading construction contractors
    - Some may overextend themselves and not progress at all
  - Sufficient contractor qualifications background checks
    - Bid Bonds can be waived but Payment Bonds cannot
- Long Term Actions / Prolonged Emergency Use
  - Emergency procedures can only be used for bona fide emergencies...difficult to justify over a long period
- Service and Construction Contract Administration
  - Several contracts will be altered ... admin nightmare
  - Influx of construction contracts, increased workload







# Advance Planning

- A viable readiness plan with well versed training scenarios is key to effectively support recovery efforts
- Planning for Emergencies to include:
  - Contracting's role during contingency conditions
  - How contracting can support base recovery efforts
  - Tools (kits) required to carry out this support
- Review of installation operation plan (OPLAN)
  - Ensure contracting support is sound with respect to types of supplies and services that might be needed with short lead times





# Advance Planning

- Review local contracting support plan (COCSP)
  - Usually an annex to the installation OPLAN addressing
    - Identification of CCOs for Command Post personnel to call
    - Provisions for funding requests and manual requisitioning
    - Process for developing, maintaining, and using currently available source lists for emergency supplies and services
    - Ability to source critical supplies outside the local area
    - Guidance on use of GPC





# Advance Planning

- Train all unit personnel using the written plan
  - Use recall rosters to include comm-out procedures
  - Establish radio communication capabilities
  - Power outages / Procurement of generators, fuel
  - Buying procedures with reach-back capabilities
- Review After Action Reports before emergencies occur
- Know your resources for reachback before an emergency.





# On-Scene Operations

- Initial recovery contracting actions are critical
  - Activate Recall: Get your personnel on scene
  - Assess damage to the Contracting Office or relocate
    - Establish functioning contingency capability asap
- Initial set-up Actions
  - Establish communication lines / Power capabilities
  - Contact Installation Commander and Finance
  - Prioritize list of initial requirements to procure
    - Set up Purchase Request tracking list
    - Establish customer focal points and delivery procedures
  - Secure transportation





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